# TOWN OF SCITUATE TOWN CLERK

## 2020 MAR -2 PM 2: 14

## MECEIVED

### TOWN OF SCITUATE

SATUIT

600 Chief Justice Cushing Hwy Scituate, Massachusetts 02066

Phone: 781-545-8730 FAX: 781-545-8704

Planning Board

March 2, 2020

Ms. Kathleen Gardner Town Clerk Town of Scituate

Re: CERTIFICATE OF ACTION

Site Plan Administrative Review Common Driveway and Stormwater Permit

115 Grove Street

Applicant/Owner: Henry Holmes Decision: Approved with conditions

Dear Ms. Gardner:

At their regularly scheduled meeting of February 27, 2020, the Planning Board discussed the Site Plan Administrative Review under Scituate Zoning Bylaw Section 720 and Stormwater Permit under General Bylaws Section 32050 for a Common Driveway of less than 500' in length serving two lots with adjoining frontage for a driveway of approximately 159.5 feet proposed to serve two homes at 115 Grove Street for applicant Henry Holmes. The members present and voting were Ann Burbine, Stephen Pritchard, Patricia Lambert, William Limbacher and Benjamin Bornstein. The following motion was voted favorably with a unanimous vote of the members present:

The Board moved to make the following Findings of Fact:

1. Henry Holmes (the "Applicant") filed an application for a special permit and stormwater permit for a common driveway serving two lots at 115 Grove Street known as Assessor's Map/Block/Lot 36-2-2 & 5R (the "Property") with the Town Clerk on November 25, 2019.

- The applicant's deed is recorded with the Plymouth County Registry of Deeds at Book 48835, p.134.
- 2. One common driveway is proposed. According to the application which measures the drive from the property line, the length of it is 151'. The plan scaled common driveway length is approximately 148.5' from the property line and 159.5' from the street line. It serves 2 lots.
- 3. The property at 115 Grove Street contains about 109,291 sq. ft. according to the plan and is in the Residence R-1 Zoning District in addition to the Water Resource Protection District with a portion of the site within the Zone II. The Planning Board endorsed a Form A Plan dividing the property into two lots and Parcel A on December 12, 2019 adding approximately 10,205 sq. ft. to the original land area of approximately 99,082 sq. ft. No deed has been provided to show Parcel A has been transferred and recorded. A copy of the Purchase and Sales has been made available.
- 4. The site is in the Water Resource Protection District Zone II. The zoning bylaw establishes a Water Resource Protection District "to include areas significant to the Town's drinking water supply source which require zoning protection." The Water Resource Protection District requires all runoff from impervious surfaces to be recharged on the site, diverted toward areas covered with vegetation from surface infiltration to the extent possible or as otherwise directed from the Scituate DPW and Scituate Conservation Commission. 1" of roof runoff is recharged and the first inch of runoff is recharged for all impervious areas according to DEP requirements.
- 5. The zoning bylaw requires rendering impervious any lot/parcel more than 15% or 2,500 sq. ft., whichever is greater, unless a system of artificial recharge is provided that will not result in degradation of water quality is prohibited. The Applicant maintains that no more than 16.8% of Lot 1 and 6.8% of Lot 2 is rendered impervious for the entire development and the water quality will not be degraded as evidenced in a signed and stamped statement by engineer Gregory P. Morse, P.E. dated 2/26/20.
- 6. The standards of the common driveway indicate that the location and construction of the Common Driveway should minimize soil disturbance, vegetation removal, and drainage impacts, and preserve existing trees over 12" caliper and other natural features of special significance. The plan shows soil disturbance and vegetation removal as generally limited to what is necessary for constructing the common driveway, its' drainage systems, and a new 3 bedroom single family dwelling and 1 septic system. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Merrill Engineers and Land Surveyors whose comments indicate the stormwater system has been adequately addressed with the revised plans. Based on the Findings of Fact presented in numbers 1-6, the common driveway meets the standards of Section 720.7A
- 7. The common driveway is 14 feet in width with two foot grass shoulders on each side. The Fire Department has indicated that 14' is acceptable to service two lots. The common driveway meets the requirements of Section 720.7B.
- 8. The common driveway is accessed from Grove Street, a public road in Scituate. The common driveway is not connected to any other common driveway. The common driveway meets the requirements of Section 720.7 C.

- 9. The Common driveway shall be located in an easement which allows space for installation of water lines and utilities. The water line is shown on the common driveway plan in the easement. No other utilities are shown. The common driveway meets the requirements of Section 720.7 D.
- 10. The common driveway cross section shows a top course of 1 ½" of bituminous concrete top course Type I-1 over a 1 ½ bituminous base Type I-1 over a 12" processed gravel base Type C gravel borrow per Mass DOT Spec M1.03.1. The common driveway meets the requirements of Section 720.7 E.
- 11. The common driveway is approximately 159.5'long measured from end of the hammerhead to the street line. This is less than 1000 feet and meets the requirements of Section 720.7 F.
- 12. The Applicant has stamped and certified there will be no increase in rate or volume of runoff to abutting properties for the 1, 2, 10 and 100 year 24 hour storm events. Merrill Engineers and Land Surveyors indicated the stormwater management system is satisfactory and runoff draining to abutting properties shall not exceed that which existed prior to construction of the Common Driveways. The common driveway meets the requirements of Section 720.7 G. As the site is in the Water Resource Protection District Zone II, surface infiltration of surface runoff is maximized by a swale running to the rear of the property which will remain as existing vegetation, by infiltration chambers for roof runoff and by a vegetated rain garden. The standards of review for Section 770.6 E have been met.
- 13. No impervious areas are located above the major components of the proposed septic system. The common driveway meets the requirements of Section 720.7 H as no impervious areas are above the proposed septic system. The proposed septic system will meet all Board of Health requirements. The standards of review for Section 770.6 D. have been met.
- 14. The Common Driveway is buffered from Grove Street. Two 4" caliper oak trees are shown as proposed replacement plantings in the Grove Street right of way as required from the Scenic Road approval. Existing trees are proposed to remain at the south end of the property line and street right of way line with selective removal of vegetation under 3" in diameter for sight lines. There is a vegetated strip proposed at the south end of the site according to the landscape plan. The common driveway meets the requirement of Section 720.7 I for screening and Section 770.6 A. for protection of adjoining premises against detrimental and offensive methods of utilizing the site.
- 15. Turnarounds for emergency vehicles shall be provided with a minimum length of 30' and width of 20' in locations approved by the Fire Chief. The Scituate Deputy Fire Chief indicated there was no issue with the hammerhead. The common driveway meets the requirements of Section 720.7 J.
- 16. The Town's consulting engineer has indicated that stopping sight distance requirements and intersection sight distances at the Common Driveway entrance has been met and meets American Association of State Highway and Transportation Officials (AASHTO) standards. The plans indicate that vegetation under 3" in diameter within the sight triangles will be removed and maintained as necessary. The common driveway meets the requirements of Section 720.7 K and Section 770.6 B and C.

- 17. Lot width for lots served by a Common Driveway may be measured parallel to the Common Driveway, except in the case of fifty foot frontage lots. The lot width of Lot 2 is measured parallel to the common driveway. The common driveway meets the requirements of Section 720.7 L.
- 18. Spill control provisions will be required on site. Fill is proposed only where needed on site. Length of stone wall removed has been minimized. Erosion control will be provided. Outdoor lighting will minimize glare to adjacent properties. The requirements of Section 770.6 F, G, H and I are met to the extend practical for a residential common driveway.
- 19. Based on these findings and information submitted by the applicant and reviewed by the Board, the common driveways meets the requirements of Section 720 and Section 770.6 of the Scituate Zoning Bylaw.

Based upon the testimony presented at the Public Hearing, plans, documents and comments submitted and the Findings of Fact, the Board approved the Site Plan Administrative Review for a common driveway at 115 Grove Street subject to the following conditions:

- 1. The Common Driveway shall be constructed according to plans entitled Common Driveway and Stormwater Permit Plan for 115 Grove Street Assessor's Parcel 36-2-2 & 36-2-5R, prepared for applicant Henry Holmes by Morse Engineering Co., Inc. dated 10/17/19 with revisions through 2/26/2020; Sight Distance Plan dated 1/30/20 by Morse Engineering Co., Inc; Planting and Landscape Plan dated 1/30/20 by Morse Engineering Co., Inc; Stormwater Permit Application for Administrative Review for Low Impact Projects for 115 Grove Street dated November 13, 2019 with revisions through February 19, 2020 and as further revised to meet these conditions.
- 2. Lots 1 and 2 shall access over the Common Driveway as depicted on the plans. No further extensions or attachments of any other roadways or Common Driveways, or other access to any other lots besides those created by the plan shall be permitted. The Common Driveway shall remain private in perpetuity and shall never be considered for acceptance as a Town road and that all maintenance and repair of the Common Driveway and drainage facilities shall be the responsibility of the owners of the property. A note shall be placed on the plan and deed for each lot serviced by the Common Driveway stating the above with proof provided to the Planning Board prior to occupancy of the first unit.
- 3. The Applicant shall mean the current applicant and all its successors in interest (the Applicant). This site plan review shall lapse within two years from the date of its issuance, which shall not include such time required to pursue or await the determination of appeal under Mass General Laws Chapter 40A, from the grant thereof unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9. The Planning Board may extend such period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which shall provide a detailed description of good cause necessitating an extension. The Planning Board office must receive written notification within 48 hours of any change of ownership of the property occurring during construction.
- 4. There shall be no further division or subdivision of any lot shown on the plan for purposes of constructing additional units or buildings. There shall be no further expansion of any building or

impervious surface on the site. No additional dwelling units shall be added. No additional expansion of the limit of work is allowed without further approval of the Scituate Planning Board.

- 5. The Applicant shall consent to allow members and Town official from the Planning Board and other persons acting under the Planning Board or its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their effort to verify that the layout, design and construction work for the special permit are satisfactory and conform to Town specifications and requirements of the Board.
- 6. Prior to the pre-construction conference, the applicant must obtain all necessary approvals and meet all requirements from the Board of Health (BOH), Conservation Commission, Fire Department, Building Department and Department of Public Works (DPW), and these shall be deemed conditions of the Planning Board approval. Any state and federal permits must be obtained if required and supplied to the Planning Board Office prior to scheduling the preconstruction conference and are also deemed to be conditions of the Planning Board approval.
- 7. Construction of this Common Driveway is subject to the Planning Board's approved Scenic Road Permit dated December 20, 2019 and any conditions imposed by the Planning Board in connection with the approval.
- 8. Construction shall meet all requirements of the Scituate Zoning Bylaw. All contractors are responsible for all conditions shown on the plan and in the written decision.
- 9. No new in ground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy rule, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner. Fines for violating this rule may be levied on the homeowner as well as the system installer.
- 10. The septic system shall meet all the requirements of Title V and 310 CMR 22 including a reserve area. Any changes to the plan necessitated by compliance with any BOH provision, requires notification of the Town Planner to determine if the change is significant and requires further input from the Planning Board.
- 11. No work is allowed beyond the limit of work/tree line without approval of the Planning Board. The entire limit of work is to be staked with erosion control during construction. Fines shall be imposed for disturbance beyond the limit of work in accordance with Town of Scituate General Bylaws. Any disturbance beyond the limit of work will be subject to full restoration with a restoration plan to be submitted to and approved by the Planning Board.
- 12. The Post Construction Operation and Maintenance Plan shall be strictly adhered to so that 90% Total Suspended Solid (TSS) is achieved at all times. An annual report is to be provided to the

Planning Board yearly by March 30 certifying all required maintenance has been completed per the plan.

13. The water line shall be placed underground.

Common Driveway Agreement

14. A Common Driveway Agreement shall assign to the owners of Lots 1 and 2 the responsibilities and costs of maintenance and repair of the Common Driveway (including snowplowing), as well as the swale, rain garden, drainage devices, grading and all other improvements for stormwater management in the Common Driveway Easement.

The responsibilities of maintenance in the Common Driveway Agreement shall include all requirements of the Operation & Maintenance Plan, which shall be attached to the Agreement together with other typical maintenance such as snow-plowing, driveway repair and any cape cod berm repair.

The Agreement shall require annual certification by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand-alone document.

The standard format from the Planning office shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this Site Plan Review. The Agreement shall be recorded at the Registry of Deeds with the Site Plan Review Permit. No preconstruction conference or building permits will issue without a recorded Common Driveway Agreement.

- 15. The locations of the dwelling shown on the plan shows general location and grading of the dwelling to conform to the stormwater design and minimize impacts on surrounding neighbors. Any material deviations from the plans require notification of the Town Planner and impacts from the proposed deviations shall be addressed prior to issuance of any building permits. Material deviations include but are not limited to moving of a dwelling by more than four feet and changing grading by more than 1 foot.
- 16. The use of pesticides and fertilizers shall be strictly prohibited.
- 17. Prior to the start of construction, the limit of work shall be staked in the field. The location of the stakes shall be reviewed in the field by the Planning Board consulting engineer in conjunction with the Town Planner and DPW.

#### Construction

18. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, a representative of DPW, the site design engineer, the owner, the site contractor and the Town Planner.

- 19. Prior to scheduling the pre-construction conference, the applicant shall provide to the Town Planner:
  - a. Record the plan, decision and Common Driveway Agreement at the Plymouth County Registry of Deeds and provide proof of recording;
  - b. Proof that Lot 2 contains the requisite 40,000 sq. ft. of upland. The Purchase and Sales Agreement for Parcel A shall be provided prior to release of the permit and recording information from the Registry of Deeds;
  - c. An initial deposit with the Town Planner of \$5,000 under G.L. c. 44 s 53G to secure construction review and inspections by the Town of Scituate consulting engineer. The deposit shall be applied toward the cost of construction inspections for the common driveway. The specific amount provided to the Planning Department shall be based on the consulting engineer's estimate and shall be subject to amendment from time to time and be supplemented by the Applicant as requested;
  - d. The Applicant shall provide surety for \$25,000 in a form acceptable to the Planning Board prior to beginning construction of the Common Driveway to guarantee completion of the common driveway(s), the drainage system(s), site work, landscaping and clean-up of the site. After the Town Planner has inspected the site and found grading, loaming and seeding, clean up of earth materials and construction debris to be complete, these funds shall be returned to the applicant; and
  - e. A schedule of construction activities including approximate dates for installation of erosion control and other site stabilization features for all phases of the project and all applicable items in the Subdivision Rules and Regulations 9.1.3 shall be given to the Town Planner and the Applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer. Temporary drainage measures shall be provided onsite in the initial phase of construction prior to house construction.
  - 20. The Town Planner is to be notified when construction begins and when construction is completed.
  - 21. Prior to scheduling the preconstruction conference, the Applicant shall provide the Town Planner with permits from the Scituate DPW for street openings and a curb cut. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any upgrades, modifications, or connections shall be at the Applicant's expense. The consulting engineer along with the Town shall review the construction activity to assure compliance with the Town's rules and regulations.
  - 22. The property line in the area of work and boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of five days prior to the start of construction. The property line shall remain staked in the field throughout construction.
  - 23. A stabilized construction entrance as shown on the plans must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing.

- Common Driveway 115 Grove Street
- 24. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
- 25. Erosion control shall remain in place and be maintained during the construction phase. Limits of disturbance shall be staked in the field and inspected prior to the start of any tree clearing and maintained throughout the project life. Special attention shall be made to the erosion control placed at the southerly limit of the project until all slopes are vegetated and stable.
- 26. Any proposed changes in grading from the approved plan must be reviewed by the Town Planner and town's consulting engineer to determine if they are materially significant. The Applicant shall certify that such changes shall result in no impact on the drainage system and shall not increase runoff onto Grove Street, abutting lots, or the rate and volume of the post condition from the predevelopment condition.
- 27. All lawns shall have a minimum of 6" of screened loam.
- 28. The rain garden and grass lined swale shall be constructed and fully vegetated before stormwater is directed toward them (i.e. before the driveway is paved).
- 29. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant is available at the water treatment plant for construction use.
- 30. The inspections for this development will be done in accordance with Section 9.1.3 of the Town of Scituate Subdivision Rules and Regulations. The Town's consulting engineer shall perform these inspections with costs paid by the Applicant. All required inspections shall take place and be inspected by the consulting engineer including water (along with DPW). Weekly reports shall be submitted by the Applicant to the Planning Board stating results of all required inspections including test pits unless more frequent reports are needed.
- 31. Construction of the Common Driveway, site drainage systems and water system shall be supervised by a registered professional engineer approved by the Planning Board who shall certify in writing to the Planning Board at completion that the driveways, grading, drainage structures and utilities were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising professional engineer. No Certificate of Occupancy shall be issued until the Planning Board is satisfied that access, construction of the driveways, grading, installation of drainage structures and stormwater management features, installation of utilities and site stabilization are in full compliance with the approved plans, special permit and 3' separation to the maximum groundwater exists. The stormwater system must be functioning in accordance with design requirements and the as-built certification must include a statement that any variation in grade is immaterial and does not materially alter the performance of the stormwater system.

- 32. Prior to the issuance of an occupancy permit, the Board's Consulting Engineer shall inspect the lots and notify the Board and Building Commissioner that the common driveway, grading drainage, site utilities and stabilization conforms to that shown on the Common Driveway plan.
- 33. Construction work shall not begin prior to 7 am on weekdays and 8 am on weekends and shall cease no later than 7 pm or sunset whichever is earlier. No construction is permitted on Sundays and federal/legal holidays. Construction work includes any operation of machinery and idling of vehicles. The name and phone number of a 24 hour contact shall be provided to the Town Planner, Building Department, Police Department and Department of Public Works to be used in the event of an emergency.
- 34. There shall be no parking, staging or idling of vehicles on Grove Street or adjacent public roads during construction.
- 35. Stockpiles shall be located as shown on the plans and must be protected with erosion controls including but not limited to silt socks and temporary seeding.
- 36. Construction activities shall be conducted in a workman like manner at all times. Noise mitigation and proper dust controls shall be taken so that levels conform to Mass DEP policies. All equipment that emanates sound shall be kept in proper working order through regular maintenance. Street sweeping shall be used to control dust from leaving the site. A wheel wash station may be required to prevent sediment from leaving the site. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
- 37. Construction activities on site shall conform to Town of Scituate General Bylaws.
- 38. Sight lines on Grove Street shall be maintained per the plans.
- 39. All construction shall comply with all applicable requirements of the Water Resource Protection District in Section 520 of the Zoning bylaw. No finished slope shall exceed 4:1.
- 40. No Certificate of Occupancy shall be issued until both the Planning Board and Building Commissioner are satisfied that access, construction of the Common Driveway(s) and installation of necessary utilities are in full compliance with the approved plans and the stormwater design.
- 41. Any mosquito control required shall be organic in nature.

#### Administration

42. This site plan review shall run with the land and be void if it is not recorded at the Registry of Deeds within 90 days of the expiration of the appeal period. The Applicant shall provide proof of this recording to the Planning Board.

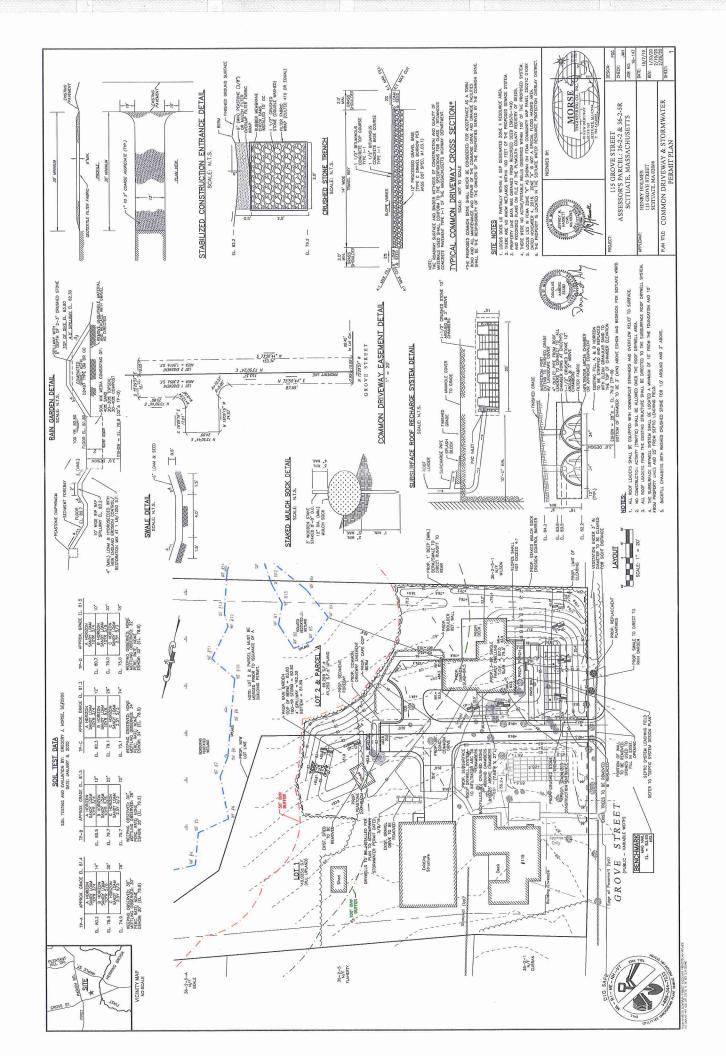
- 43. Failure to comply with any condition of this special permit shall cause it to be deemed invalid.
- 44. The design wetland scientist shall field locate the plants in the rain garden in the field during construction and certify they are the correct size.
- 45. Spill control provisions shall be provided on site.

Very truly yours,

Ann Burbine, Chairman

ann Burbine ex

Cc: Planning Board
DPW Director
Building Commissioner
Conservation Commission
Henry Holmes
Gregory Morse and Jeff Hassett



Construction Phase: Erosion Control Maintenance Schedule & Checklist

Perform	ģ			531 D						
Date of	Cleaning/ Repair									,
7500001	Cleaning/heban Needed:no	(List Items)								
	Minimum Maintenance and Key Items to	(£)	1. Construction Site Stabilization	Inspection/ Walling atc.	Check for washouts an unit grant of the control of the contro	1 Permanent Seeding Inspection/	Maintenance	1. Check mulch sock around piles.		
	Inspector	cted		`					-	
1000	ractices Date	Frequency Inspected		Weekly	Weekly		Bi-Weekly		Daily	
Construction Fliast	Construction Practices	Best Management F		truction	_	Land Grading	Permanent	Seeding	Soil Stockpiling	

Stormwater Control Manager \_

Stormwater Management – Post Construction Phase Best Management Practices – Inspection Schedule and Evaluation Checklist Project Location: 115 Grove Streeet, Scituate, MA

Date of Performe Cleaning/											
T. B.	Lyes Ling (List Rems)		·								
Minimum Maintenance and Key Items to	Check (1)	Inspect water level in drywells. Remove debris from drywells. Remove debris from drywells.	Vacuum clean mapped is standing water is Replace drywell system if standing water is observed for greater than 72 hours after a rainfall event.	Remove material in gutters and downspouts.	Install gutter guards. Inspect for signs of overflow to surcharge.	Repair eroded site areas. Plant grass or mulch exposed soil surfaces Plant grass or mulch exposed sediments	Sweep of a second debris.	Remove sediment, trash and comment Repair erosion. Check for infiltrative capacity.	Cut grass. Remove weeds and brush.		
3	o o o o o o o o o o o o o o o o o o o										
Sest Management Practices – Inspection Sest Management Practices	Inspection Date Inspected	Semi-Annually			Quarterly	Semi-Annually	Semi-Annually	Quarterly			
Sest Management Progress	Best Inspection Inspection   In		Roof drywells			System System Signature Si	agement eway	Rain	Garden		